

Notice of Allowability

Application No.

09/927,992

Examiner

Stephen M. D'Agosta

Applicant(s)

GOULD ET AL.

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1-10-05.
2. ☒ The allowed claim(s) is/are 17-19.
3. ☒ The drawings filed on 10 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

The amendment filed 1-10-2005 overcomes the examiner's prior art rejection.

Hence claims 1-16 are cancelled and new claims 17-19 are allowed.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

1. The amendment overcomes the examiner's objections to the priority claims, specification, Abstract and figures (ie. the newly transmitted Oath Page shows domestic priority claims, the specification has application numbers added, the Abstract has been fixed to remove the word "invention" and the label Prior Art has been added to figure 1).
2. New Claims 17, 18 and 19 better clarify the Applicants invention and add significant technical detail which is novel in the examiner's opinion.
3. The three new claims are allowable over Fitch since he uses a location finding system to presumably locate a mobile device each and every time a call is received. Such location identification may be achieved by the use of only a single finding device (see, for example, lines 35-66 of column 7 and lines 60-65 of column 6). After receiving this location information, the computer system 36 uses a quadtree methodology to determine whatever the location is within an area of interest (see, for example, lines 36-39 of column 12 and the abstract).
4. Also, the new claims recite determining the location only after determining if the destination telephone number matches or uniquely identifies a predefined and

Art Unit: 2683

predetermined public safety answering point i.e. (a certain area). This pre-assignment and identification of destination telephone numbers completely obviates the need for any sort of a quadtree methodology to determine an area of interest.

5. Further, the new claims recite a location is calculated only if at least two radio finding devices respectively provide location information, only after uniquely pairing those finding devices who have provided such location information (Claim 18), and only after ensuring that the single angle information exceeds zero degrees and represents only "close" information (Claim 19), thereby ensuring that the location information is highly accurate (see, for example, lines specific and highly accurate triangulation method 14-16 of paragraph 11 of the application).

6. Lastly, the claims recite a very accurate triangulation method is used to achieve the location determination (Claim 19) which is not fully disclosed in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
PRIMARY EXAMINER
3-1-05

A handwritten signature in black ink, appearing to be 'SDA', located below the typed name of the examiner.